IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 8TH NOVEMBER 2006 / 17TH KARTHIKA 1928

Bail Appl..No. 6580 of 2006()

CRIME NO.473/2006 OF BALARAMAPURAM POLICE STATION

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PETITIONERS/ACCUSED 1 & 2

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1. RAMACHANDRAN NAIR, S/O. KRISHNA PILLAI,
"VAISAKH", KOOTTAPPANA, PERUMPAZHUTHOOR,
NEYYATTINKARA.

2. GIREESH KUMAR, S/O. RAMACHANDRAN NAIR,
"VAISAKH", KOOTTAPPANA, PERUMPAZHUTHOOR,
NEYYATTINKARA.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
BALARAMAPURAM POLICE STATION.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 6580 of 2006

Dated this the 8th November, 2006.

O R D E R

Petitioners are accused 1 and 2 in Crime No.473/2006 of Balaramapuram Police Station, for the offence punishable under Sections 406, 417, 420, 467 and 468 IPC, read with Section 34 IPC. It is alleged that the petitioners have offered help, while the shop of the de facto complainant got fire, and at that time, they have committed theft of certain cheque leaves from the shop, which are now being made use of against the de facto complainant. However, this is being vehemently denied by the petitioners, on the plea that the cheques were issued by the de facto complainant to clear the debt, and proceedings under Section 138 of the Negotiable Instruments Act, had already been initiated. It is after receiving notice from the court of law that the de facto complainant has filed this private complaint obviously implicating the petitioners, and to counter blast the proceedings initiated against him under the Negotiable Instruments Act. Counsel, however, submits that the petitioners are ready to co-operate with the investigation, and hence, prayed for a pre-arrest order.

2. I heard the arguments advanced by both sides. Considering the facts of this case, I dispose of the application, directing the petitioners to surrender before the Investigating Officer of Balaramapuram Police Station, who is investigating the Crime No.473/2006 of that police station, on 16.11.2006, between 9.30 and 10 a.m.

3. The investigating officer shall interrogate the petitioners, and thereafter produce them before the Judicial First Class Magistrate Court-III, Neyyattinkara, as per the law. The learned Magistrate shall allow the petitioners to be on bail, imposing such conditions, as are deemed necessary.

J.M. JAMES,
JUDGE

nj.